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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,062	12/31/2001	William R. Matz	01376	9118
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EXAMINER				
STRANGE, AARON N				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/039,062

Applicant(s)

MATZ ET AL.

Examiner

AARON STRANGE

Art Unit

2448

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-49, 51-60 and 62-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-49, 51-60 and 62-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see p. 6, filed 5/18/09, with respect to the rejections of claims 45-55 and 66 under 35 U.S.C. §§ 101 and 112 have been fully considered and are persuasive. Accordingly, those rejections have been withdrawn.
2. Applicant's arguments filed 5/18/2009 have been fully considered but they are not persuasive.
3. With regard to claim 45, and Applicant's assertion that Kramer fails to teach or suggest "storing the multiple data streams in memory of the client device" (Remarks 7), the Examiner respectfully disagrees. Kramer discloses that the multiple data streams (illuminations) are received and stored in memory of the client device (computing device 802), where they are subsequently sorted (col. 21, ll. 34-61).
4. With regard to claim 56 and 66, while Kramer discloses that the multiple data streams are stored in client memory (discussed above) and contain advertising (commercials)(col. 6, ll. 32-33) and movies (video presentations) (col. 6, l. 29), Kramer fails to specifically disclose that the content is organized into categories in memory. However, this limitation is addressed below.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 45-49 and 51-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Kramer et al. (US 6,327,574).

7. With regard to claim 45, Kramer discloses a method of targeting content, comprising:

receiving multiple data streams at a client device with each data stream comprising a content item (commercials and/or announcements) and at least one tag (selection criteria)(col. 9, ll. 48-51) (also a webpage embodiment at col. 7, l. 55 to col. 8, l. 40) (illuminations include content and a query allowing the content to be matched with various attributes)(col. 21, ll. 34-36);

storing the multiple data streams in memory of the client device (the illuminations are collected and sorted by the client device)(col. 21, ll. 34-61)

storing a user profile (col. 10, ll. 41-45) having at least one profile tag (characteristic value)(col. 10, ll. 51-61);

calculating a score for the content item by comparing the at least one associated tag to the user profile (match score is computed by the matching subsystem)(col. 23, l. 66 to col. 24, l. 4);

comparing the score to a threshold score (match score is compared to a threshold associated with each illumination)(col. 23, ll. 15-22);

when the score satisfies the threshold score, then determining that the content item is appropriate for presentation (if the match score exceeds the threshold, the content is selected and placed into the sorted illumination list)(col. 23, ll. 15-22); and

selecting one of the multiple data streams having the score that satisfies the threshold score (the "most appropriate" content is selected)(col. 8, ll. 34-37; col. 9, ll. 51-53).

8. With regard to claim 46, Kramer further discloses defining the user profile based on usage (Col 3, lines 10-14).

9. With regard to claim 47, Kramer further discloses defining the user profile based on manual input (Col 10, lines 32-33 and Col 14, lines 36-42); (information manually entered on forms).

10. With regard to claim 48, Kramer further discloses detecting a pattern in user selections and updating the user profile with the pattern (user profile is continuously updated based on user selections)(col. 32, l. 32 to col. 33, l. 47).

11. With regard to claim 49, Kramer further discloses that evaluating the at least one tag comprises correlating the at least one tag to the at least one profile tag (tags from the product and consumer profiles are correlated to determine an appeal score)(col. 11, ll. 17-21).

12. With regard to claim 51, Kramer further discloses filtering out unselected data streams (unselected streams are not displayed)(col. 9, ll. 51-53).

13. With regard to claim 52, Kramer further discloses receiving a tag identifier associated with the at least one tag (an identifier associated with the tag is inherently received, so that the recipient can properly identify which tag contains which value).

14. With regard to claim 53, Kramer further discloses that receiving the multiple data streams comprises receiving a classification associated with the at least one tag (information about merchants and products includes classification information)(col. 10, ll. 33-34).

15. With regard to claim 54, Kramer further discloses detecting an insertion event (content is dynamically inserted based on user requests and profile information)(col. 6, ll. 22-24; col. 8, ll. 24-31; col. col. 9, ll. 45-53).

16. With regard to claim 55, Kramer further discloses causing presentation of the selected one of the multiple data streams (selected content is displayed)(col. 8, ll. 34-37; col. 9, ll. 51-53).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 56-60 and 62-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer et al. (US 6,327,574) in view of Zhao (US 6,081,840).

19. With regard to claim 56, Kramer discloses a system for targeting content, comprising:

a processor communicating with memory (col. 20, ll. 57-61);

the processor receiving an internal insertion event for a content menu (content may be inserted into a content rotator)(col. 30, ll. 60-67);

the processor receiving multiple data streams, each data stream comprising a content item (commercials and/or announcements) and at least one associated tag (selection criteria)(col. 9, ll. 48-51) (also a webpage embodiment at col. 7, l. 55 to col. 8,

I. 40) (illuminations include content and a query allowing the content to be matched with various attributes)(col. 21, ll. 34-36);

the processor storing the multiple data streams (the illuminations are collected and sorted by the client device)(col. 21, ll. 34-61);

the processor storing a user profile in the memory (col. 10, ll. 41-45) having at least one profile tag (characteristic value)(col. 10, ll. 51-61);

the processor calculating a score for the content item by comparing the at least one associated tag to the user profile (match score is computed by the matching subsystem)(col. 23, l. 66 to col. 24, l. 4) and the processor comparing the score to a threshold score (match score is compared to a threshold associated with each illumination)(col. 23, ll. 15-22);

when the score satisfies the threshold score, then the processor determines that the content item is appropriate for presentation (if the match score exceeds the threshold, the content is selected and placed into the sorted illumination list)(col. 23, ll. 15-22); and

the processor selecting one of the multiple data streams having the score that satisfies the threshold score (the "most appropriate" content is selected)(col. 8, ll. 34-37; col. 9, ll. 51-53); and

the processor ordering the content menu with content items having a highest probability of interest according to the user profile (content is inserted into the menu in the order specified by the sorter)(col. 31, ll. 33-37).

Kramer fails to specifically disclose that the content is organized into categories in memory.

Zhao discloses a similar system for storage of computer data files (Abstract). Zhao teaches storing the files in categories as a means to organize the data for efficient retrieval (col. 5, ll. 19-41). This would have been an advantageous addition to the system disclosed by Kramer since it would have allowed the content to be organized and easily retrieved from the appropriate categories.

While Zhao fails to specifically disclose that the categories include advertising, movies or games, one of ordinary skill in the art would have recognized that the categories taught by Zhao could have been any type of category appropriate to the type of file being categorized, including the specific categories of advertising, movies and games.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to categorize the multiple data streams into categories including advertising, movies and games to allow the various content types to be organized and efficiently retrieved.

20. With regard to claim 57, Kramer further discloses defining the user profile based on usage (Col 3, lines 10-14).

21. With regard to claim 58, Kramer further discloses defining the user profile based on manual input (Col 10, lines 32-33 and Col 14, lines 36-42); (information manually entered on forms).

22. With regard to claim 59, Kramer further discloses detecting a pattern in user selections and updating the user profile with the pattern (user profile is continuously updated based on user selections)(col. 32, l. 32 to col. 33, l. 47).

23. With regard to claim 60, Kramer further discloses correlating the at least one tag to the at least one profile tag (tags from the product and consumer profiles are correlated to determine an appeal score)(col. 11, ll. 17-21).

24. With regard to claim 62, Kramer further discloses filtering out unselected data streams (unselected streams are not displayed)(col. 9, ll. 51-53).

25. With regard to claim 63, Kramer further discloses receiving a classification associated with the at least one tag (information about merchants and products includes classification information)(col. 10, ll. 33-34).

26. With regard to claim 64, Kramer further discloses detecting an insertion event (content is dynamically inserted based on user requests and profile information)(col. 6, ll. 22-24; col. 8, ll. 24-31; col. col. 9, ll. 45-53).

27. With regard to claim 65, Kramer further discloses causing presentation of the selected one of the multiple data streams (selected content is displayed)(col. 8, ll. 34-37; col. 9, ll. 51-53).

28. Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer et al. (US 6,327,574) in view of Zhao (US 6,081,840) in view of Frengut (US 2002/0046099).

29. With regard to claim 66, while the system disclosed by Kramer and Zhao shows substantial features of the claimed invention (discussed above with respect to claim 56), it fails to disclose presenting a targeted content item when the targeted content item is associated with a zone improvement plan matching the user profile.

Frengut discloses a similar system for providing customized content to users (Abstract). Frengut teaches presenting targeted content to users based on the content item being associated with a ZIP code of the user (user's custom web page is generated based in part on the user's zip code)(¶32). This would have been an advantageous addition to the system disclosed by Kramer since it would have allowed information to be provided to users based on their zip code, allowing advertisers to target content to particular locations.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to present targeted content to users based on a zip code

matching the user's profile, to allow advertisers to target content to particular geographical locations.

Conclusion

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **AARON STRANGE** whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/
Primary Examiner, Art Unit 2448